



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Y. Qui, et al.

Examiner: Not yet assigned

Serial No.: 10/770,291

Group Art Unit: 1615

Filed: February 2, 2004

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the:

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Commissioner for Patents
PO Box 1450
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Case No.: 6437.US.C5

Date of Deposit: June 1, 2004

Jenny Rizzotto Date *6/1/04*

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with their duty of disclosure under 37 C.F.R. §1.56, and as authorized and encouraged under 37 C.F.R. §§ 1.97-1.98 and the provisions of MPEP §§ 609 and 707.05(b), Applicants submit herewith certain patent documents, publications and/or other information ("references") which the Patent and Trademark Office may wish to consider in examining the above-identified patent application. The identification of any reference herein is not intended to be and should not be understood as being an admission that such reference necessarily constitutes "prior art" within the meaning of applicable law.

The cited references are listed on attached form PTO-1449.

- A copy of each cited reference is provided;
- Copies of cited references are not provided because each has previously been made of record in the parent application, or is otherwise known to be in the Examiner's possession.

The Examiner is requested to review and evaluate each cited reference to make an independent assessment of the materiality of each, if any, to the examination of the above-identified application. The Examiner is requested to ignore any underscoring or highlighting which may have been done because such markings may or may not have any relationship to the subject matter of the present invention. The copies being submitted with this Statement are the best copies available at this time. Applicants respectfully request that (1) the references cited herein be made of record; (2) that the

Examiner acknowledge his consideration of each reference by initialing and returning the enclosed copy of the PTO-1449 form; and (3) that such references appear on the printed patent as having been considered on the record.

With regard to payment of a fee:

- No fee is due because:
- This Statement is mailed within three months of the filing date of this application, or before the mailing date of a first office action on the merits (see 37 C.F.R. §1.97(b)).
- Applicants certify that each reference cited in this Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement. (see 37 C.F.R. §1.97(e)).
- This Statement is filed after the mailing date of a first Office Action on the merits but before the mailing date of either a final action or a Notice of Allowance (see 37 C.F.R. §1.97(c)) so a fee of \$180.00 is specified by 37 C.F.R. §1.17(p).

If any fees are owed, or any credit is due pertaining to this case, please charge that fee or apply that credit to Deposit Account No. 01-0025. A duplicate sheet of this page is enclosed.

23492

ABBOTT LABORATORIES
Telephone: (847) 938-3508
Facsimile: (847) 938-2623

Respectfully submitted,
Y. Qui et al.



Paul D. Yasger
Registration No. 37,477
Attorney for Applicants



Sheet 1 of 2

FORM PTO-1449 (Rev. 2032)	U.S. Department of Commerce Patent and Trademark Office	Atty. Docket No. 6437.US.C5	Serial No. 10/770,291
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Applicant Qiu, et al.	
(Use several sheets if necessary)		Filing Date February 2, 2004	Group 1615

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date (if appro.)
	4,369,172	01/18/83	Schor et al.			
	4,699,927	10/18/87	Deboeck			
	4,913,906	04/03/90	Friedman et al			
	4,988,731	01/29/91	Meade			
	5,009,897	04/23/91	Brinker et al			
	5,017,613	05/21/91	Aubert, et al.			
	5,019,398	05/28/91	Daste			
	5,055,306	10/08/91	Barry et al			
	5,169,642	12/08/92	Brinker et al			
	5,185,159	02/09/93	Aubert et al			
	5,212,326	05/18/93	Meade			
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	94/27587	08.12.94	WO			
	00/37055	29.06.00	WO			
	00/45793 A1	08/10/00	WO			
	98/47491	29.10.98	WO			
	0 430 287 B2	06/05/91	EP			
	0 141 267 B1	08/05/87	EP			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

		Bialer et al., Int. J. Pharmaceutics, 20: 53-63 (1984)
		Bialer et al., Biopharmaceutics and Drug Disposition, 6: 401-411 (1985)
		Bialer et al., Israel J. Med. Sci., 20: 46-49 (1984)
		Collins et al., Extended Release Formulations of Anticonvulsant Medications Clinical Pharmacokinetics and Therapeutic Advantages, CNS Drugs 2000 Sept 14 (3): 203-212
		Freitag, et al., "Depakote ER in Migraine Prophylaxis", Abstract No. S07.003, Nuerology 54 April 2000 (Suppl 3), page A14.
		Physicians' Desk Reference, (Web Version), 2001, Depakote ER, published by The Medical Economics Company
		"Metabolism of Antiepileptic Drugs", 143-151, R.H. Levy, Ed. Raven Press, New York (1984)
		Physicians' Desk Reference. 54 th Edition, 2000, Depakene Capsules, pp. 426-427, published by Medical Economic Company, Inc.
		Physicians' Desk Reference. 54 th Edition, 2000, Depakote Tablets, pp. 431-437, published by Medical Economic Company, Inc.
		Package insert for Depakote® ER dated August 2000
EXAMINER		DATE CONSIDERED

Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw Line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449 (Rev. 2032)	U.S. Department of Commerce Patent and Trademark Office	Atty. Docket No. 6437.US.C5	Serial No. 10/770,291
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U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date (if appro.)
	5,593,690	01/18/83	Schor et al.			
	5,593,694	01/14/97	Akiyama et al.			
	5,980,913	11/09/99	Ayer et al.			
	6,077,542	06/20/00	Sherman			
	6,150,410	11/21/00	Engh, et al.			

FOREIGN PATENT DOCUMENTS

	Document Number	Date	Name	Class	Subclass	Translation (Yes No)

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

		Abstract of Collins, et al., "Extended Release Formulations of Anticonvulsant Medications Clinical Pharmacokinetics and Therapeutic Advantages", CNS Drugs, New Zealand, 2000, 14/3 (203-212)
		Abstract of Bialer, et al., "Criteria to Assess in Vivo Performance and Bioequivalence of Generic Controlled-Release Formulations of Carbamazepine", Epilepsia, United States, 1998, 39/5 (513-519)
		Abstract of Chun, et al., "Multiple-dose Evaluation of the Absorption Characteristics of Divalproex Sodium Tablets, a Delayed-Release Preparation of Valproate, in Healthy Volunteers", Clinical Drug Investigation, New Zealand, 1995, 10/1 (40-47)
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		Abstract of Hussein, et al., "Pharmacokinetics of Valproate after Multiple-dose Oral and Intravenous Infusion Administration: Gastrointestinal-related Diurnal Variation", Journal of Clinical Pharmacology, United States, 1994, 34/7 (754-759)
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		Colins, et al., "Depakote CR: Biopharmaceutical and Pharmacokinetic Studies of a New Formulation for Once Daily Dosing", Neurology, Vol. 50(4), Supplement 4, April 1998, p. A426
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		Cavanaugh, et al., "Effect of Food on the Bioavailability of a Controlled-Release Formulation of Depakote Under Multiple-Dose Conditions", No. 2.002, Epilepsia, Vol. 38, Suppl. 8, 1997
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